

REMARKS/ARGUMENTS

In response to the Office Action dated December 1, 2005, claims 1-3, 17 and 18 are amended. Claims 1-15, 17 and 18 are now active in this application, with claims 16 and 19 withdrawn from consideration as being directed to non-elected species. No new matter has been added.

OBJECTION TO THE CLAIMS

The Examiner objects to claims 1-3 because of minor informalities. These claims are amended as suggested by the Examiner.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 101

Claim 17 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner maintains that claim 17 is directed to a computer program per se, which is not permitted.

To expedite prosecution, claim 17 is amended to recite, *inter alia*:

A computer program product that causes a computer to execute image processing, said computer program product comprising a computer readable storage medium having a computer program stored thereon for performing the steps of...

Thus, amended independent claim 17 is now directed to “A computer program product that causes a computer to execute image processing, the computer program product comprising a computer readable storage medium having a computer program stored thereon...” Consequently, amended independent claim 17 is directed to statutory subject matter.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

I. Claims 1-4, 6-8, 10-15, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by O'Mahony (USPN 5,986,703).

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Okisu et al. (USPN 6,449,004).

II. O'Mahony corrects distortion of a captured image resulting from the camera being offset (not directly in front of) a conference participant (a main object) (see column 2, line 63 to column 3, line 5).

Okisu et al. provides an oblique photographing correction (OPC) calculation unit 27 (Fig. 13) resulting when photographing is performed obliquely with respect to a (main) object (e.g., characters on a white board); i.e., the image sensor is not directly in front of the main object.

Clearly, neither O'Mahony nor Okisu et al. are concerned with a situation where the main object is directly in front of and not offset of an image sensor during image capture and correcting warp caused by a three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor.

To expedite prosecution, independent claim 1 is amended to recite:

A digital photographing apparatus comprising:
an image sensor that obtains an image of a main object; and
an image corrector to correct image warp, wherein
the main object is directly in front of and not offset of the image sensor during image capture, and
the image corrector corrects image warp caused by a three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor. (Emphasis added)

Also, independent claim 17 is amended to recite:

A computer program product that causes a computer to execute image processing, said computer program product comprising a computer readable storage medium having a computer program stored thereon for performing the steps of:

preparing image data of a main object captured via an image sensor, *the main object being directly in front of and not offset of the image sensor during image capture*; and

correcting, by processing the image data, image warp caused by a three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor during image capture. (Emphasis added)

Finally, independent claim 18 is amended to recite:

An image processor comprising:

a memory that stores image data of a main object captured via an image sensor; and

an image corrector that corrects, by processing the image data, image warp, wherein

the main object is directly in front of and not offset of the image sensor during image capture, and

the image corrector corrects image warp caused by a three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor during said image capture. (Emphasis added)

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

As neither O'Mahony nor Okisu et al. are concerned with obtaining an image of a main object with an image sensor, where the main object is directly in front of and not offset of the image sensor during image capture, and then correcting image warp caused by a three-dimensional configuration of the main object due to the close proximity between the main object

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and the image sensor, amended independent claims 1, 17 and 18 are patentable over O'Mahony and Okisu et al., as are dependent claims 2-15, as amended.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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